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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,889	02/22/2002	John S. Csapo	SAMS01-00177	9391

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Docket Clerk
P.O. Box 800889
Dallas, TX 75380

EXAMINER

EWART, JAMES D

ART UNIT PAPER NUMBER

2617

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,889

Applicant(s)

CSAPO ET AL.

Examiner

James D. Ewart

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment dated 17 April, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 14 April 2006 have been fully considered, but are not persuasive.

Regarding Applicant's argument that the Freeburg and Linskog et al. combination do not teach a sectored antenna system utilizing a first standard and an omni antenna system utilizing a second standard, the Examiner disagrees. Freeburg teaches using radios at a base station that use different protocols / standards. For example, the radios of Figure 6, 528 and 538, use different protocols from each other. Linskog et al teaches using sectored and omni antennas at a single base station. The modification of Freeburg with Linskog et al. would then be the radios of Figure 6, 528 and 538, using different protocols from each other with the modification of one radio using omni antennas and the other using sectored antennas. This modification to Freeburg would then meet the claimed invention of Applicant.

2. Regarding Applicant's argument that Freeburg doesn't teach utilizing first and second standards in a first coverage area and utilizing the first and second standards in a second coverage area, the Examiner disagrees. Without indicating the dimensions of a coverage area, a coverage area could be infinitesimally small and thus a base station would have infinite coverage areas. Each radio includes an RF unit and has a footprint, which can be divided, into coverage areas. The protocols provided for by a base station span the entire coverage area of the base station. The entire coverage area can be divided into multiple coverage areas and thus each coverage area provides more than one protocol.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3,6,8,16,18,21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Freeburg et al. (U.S. Patent No. 5,471,471) in view of Lindskog et al (U.S. Patent No. 6,804,522).

Referring to claims 1, and 16, Freeburg et al. teaches for use in a base transceiver station of a wireless communication system, an apparatus for supporting dual standards comprising: utilizing a first standard (Figure 5 & 6 and Column 4, Lines 18-28) within a coverage area (Figure 5) and using a second standard (Figure 5 & 6 and Column 4, Lines 18-28) within the coverage area (Figure 5), but does not teach using a sectored antenna system for wireless communications and an omni antenna system for wireless communications. Lindskog et al teaches using a sectored antenna system for wireless communications and an omni antenna system for wireless communications (Column 1, Lines 53-61 and Column 2, Lines 47-48). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al with the teaching of Lindskog et al. of using a sectored antenna system for wireless communications and an omni antenna system for wireless communications to optimize performance and minimize interference of a cellular communication system (Column 2, Lines 45-54).

Referring to claim 6 and 21, Freeburg et al. teaches for use in a wireless communications system, an apparatus for supporting dual standards comprising: utilizing a first standard (Figure 5

& 6 and Column 4, Lines 18-28) within a first coverage area (Figure 5) and utilizing a second standard (Figure 5 & 6 and Column 4, Lines 18-28) within the first coverage area (Figure 5); and utilizing the first standard (Column 4, Lines 18-28) within a second coverage area (Column 2, Line 65 to Column 3, Line 7) and utilizing the second standard (Column 4, Lines 18-28) within the second coverage area (Column 2, Line 65 to Column 3, Line 7), but does not teach employing a sectored antenna system for wireless communications and an omni antenna system for wireless communications. Lindskog et al. teaches employing a sectored antenna system for wireless communications and an omni antenna system for wireless communications (Column 1, Lines 53-61 and Column 2, Lines 47-48). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al. with the teaching of Lindskog et al. employing a sectored antenna system for wireless communications and an omni antenna system for wireless communications to to optimize performance and minimize interference of a cellular communication system (Column 2, Lines 45-54).

4. Claims 2,7, 17 and 22 are rejected under 35 USC 103(a) as being unpatentable over Freeburg et al. and Lindskog et al. and further in view of Haartsen (U.S. Patent No. 6,112,088).

Referring to claims 2, 7, 17 and 22, Freeburg et al. and Lindskog et al. teach the limitations of claims 2,7,17 and 22 but do not teach wherein one of the first and second standards is compatible with the other of the first and second standards. Haartsen teaches wherein one of the first and second standards is compatible with the other of the first and second standards (Column 4, Lines 19-26). Therefore at the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to combine the art of Freeburg et al. and Lindskog et al. with the teaching of Haartsen wherein one of the first and second standards is compatible with the other of the first and second standards to eliminate the need for additional transmit and receive circuitry within the mobile terminal (Column 4, Lines 26-28).

5. Claims 3, 8, 18 and 23 are rejected under 35 USC 103(a) as being unpatentable over Freeburg et al. and Lindskog et al. and further in view of Gerdisch et al. (U.S. Patent No. 6,41,566).

Referring to claims 3, 8, 18 and 23, Freeburg et al. and Lindskog et al. teach the limitations of claims 3, 8, 18 and 23 but do not teach upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed for the compatible one of the first and second standards. Gerdisch et al. teaches upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed for the compatible one of the first and second standards (Figure 2, 206 & 208 and Column 6, Lines 1-5). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Freeburg et al. and Lindskog et al. with the teaching of Gerdisch et al. wherein upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage

area is resumed with the antenna system employed for the compatible one of the first and second standards to provide continued communication when a link fails (Column 5, Line 65 to Column 6, Line 7).

6. Claims 4, 5, 9, 10, 19, 20, 24 and 25 are rejected under 35 USC 103(a) as being unpatentable over Freeburg et al. and Lindskog et al. and further in view of Lee et al. (U.S. Patent Publication No. 2003/0123479).

Referring to claims 4, 9, 19 and 24, Freeburg et al. and Lindskog et al. teach the limitations of claims 4, 9, 19 and 24, but do not teach wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV. Lee et al teaches wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al. and Lindskog et al. with the teaching of Lee et al wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV to provide a mobile subscriber with a packet service as well as a voice service (0024).

Referring to claims 5, 10, 20 and 25, Freeburg et al. and Lindskog et al. teach the limitations of claims 5, 10, 20 and 25, but do not teach wherein the first standard is one of IxEV-DO and IxBV -DV and the second standard is IS-2000. Lee et al teaches wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al. and Lindskog et al. with the teaching of Lee et al

wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 to provide a mobile Subscriber with a packet service as well as a voice service (0024).

7. Claims 11,12,13,26,27 and 28 are rejected under 35 USC 103(a) as being unpatentable over Freeburg et al. in view of Lindskog et al. in view of Haartsen and further in view of Gerdisch et al.

Referring to claims 11 and 26. Freeburg et al. teaches for use in a base transceiver station of a wireless communications system, an apparatus for supporting dual standards comprising: utilizing a first standard (Figure 5 & 6 and Column 4, Lines 18-28) within a coverage area (Figure 5); and utilizing a second standard (Figure 5 & 6 and Column 4, Lines 18-28) within the coverage area (Figure 5), but does not teach using a sectored antenna system for wireless communications and using an omni antenna system for wireless communications. Lindskog et al. teaches using a sectored antenna system for wireless communications and using an omni antenna system for wireless communications (Column 1, Lines 53-61 and Column 2, Lines 47-48). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al. with the teaching of Lindskog et al. of using a sectored antenna system for wireless communications and using an omni antenna system for wireless communications to optimize performance and minimize interference of a cellular communication system (Column 2, Lines 45-54). Freeburg et al. and Lindskog et al. teach the limitations of claims 11 and 26, but do not teach wherein one of the first and second standards is compatible with the other of the first and second standards. Haartsen teaches wherein one of the first and second standards is compatible with the other of the first and second

standards (Column 4, Lines 19-26). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al. and Lindskog et al. with the teaching of Haartsen wherein one of the first and second standards is compatible with the other of the first and second standards to eliminate the need for additional transmit and receive circuitry within the mobile terminal (Column 4, Lines 26-28). Freeburg et al., Lindskog et al. and Haartsen teach the limitations of claims 11 and 26 but do not teach upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed. Gerdisch et al. teaches upon failure of wireless communications utilizing the other of the first and second standards within the coverage area (Figure 2, 206 & 208), wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed (Column 6, Lines 1-5). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Freeburg et al., Lindskog et al. and Haartsen with the teaching of Gerdisch et al. wherein upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed to provide continued communication when a link fails (Column 5, Line 65 to Column 6, Line 7).

Referring to claims 12 and 27, Lindskog et al. further teaches wherein the first antenna system is a sectored system and the second antenna system is an Omni system (Column 2, Lines 47-48).

Referring to claims 13 and 28, Lindskog et al further teaches wherein the first antenna system is an omni system and the second antenna system is a sectored system (Column 2, Lines 47-48).

8. Claims 14, 15, 29 and 30 are rejected under 35 USC 103(a) as being unpatentable over Freeburg et al., Lindskog et al., Haartsen and Gerdisch et al. in view of Lee et al.

Referring to claims 14 and 29, Freeburg et al., Lindskog et al., Haartsen and Gerdisch et al. teach the limitations of claims 14 and 29, but do not teach wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV. Lee et al teaches wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al., Lindskog et al., Haartsen and Gerdisch et al. with the teaching of Lee et al wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV to provide a mobile subscriber with a packet service as well as a voice service (0024).

Referring to claims 15 and 30, Freeburg et al., Lindskog et al., Haartsen and Gerdisch et al. teach the limitations of claims 15 and 30, but do not teach wherein the first standard is one of

IXEV-DO and IxBV -DV and the second standard is IS-2000. Lee et al teaches wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Freeburg et al., Lindskog et al., Haartsen and Gerdisch et al. with the teaching of Lee et al wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 to provide a mobile Subscriber with a packet service as well as a voice service (0024).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

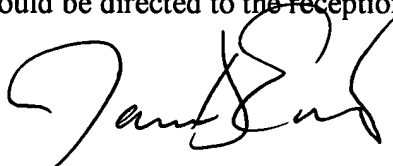
Application/Control Number: 10/080,889

Art Unit: 2617

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.



Ewart
May 11, 2006



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600